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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

CHARLES ELLERIN IRREVOCABLE GIFT
GIVING TRUST, in its capacity as LIMITED
PARTNER of the ELLERIN PARTNERSHIP,
LTD.;

ROBERT M. GRIFFITH, in his capacity as

Adv. Pro. No. 10-05219 (SMB)

TRUSTEE of the CHARLES ELLERIN
IRREVOCABLE GIFT GIVING TRUST; and

JANET WINTERS, INDIVIDUALLY as
BENEFICIARY of the CHARLES ELLERIN
IRREVOCABLE GIFT GIVING TRUST,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF DEFENDANT JANET WINTERS WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant Janet Winters (“Defendant”), by and through her counsel, Bernfeld, DeMatteo and Bernfeld LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 3, 2010, the Trustee filed and served the Complaint against Janet Winters.
2. On April 1, 2011, Defendant Janet Winters filed a motion for summary judgment in *Picard v. Ellerin Partnership, Ltd.*, Adv. Pro. 10-04398 (the “Summary Judgment Motion”).
3. On April 4, 2011, Defendant Janet Winters served an answer on the Trustee.
4. On April 4, 2011, Defendant Janet Winters also served a motion to combine the above-captioned proceeding with *Picard v. Ellerin Partnership, Ltd.* for the purposes of hearing and deciding the Summary Judgment Motion (the “Motion to Combine”).
5. On February 15, 2012, this Court granted the Motion to Combine and, on March 14, 2012, this Court denied the Summary Judgment Motion.
6. On May 15, 2015, the Parties entered into a settlement agreement pursuant to the

Settlement Procedures Order, entered by this Court on November 12, 2010 [ECF No. 3181].

7. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendant Janet Winters in the above-captioned adversary proceeding.

8. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

9. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: July 22, 2015

BAKER & HOSTETLER LLP

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Attorneys for Defendant Janet Winters

SO ORDERED

Dated: July 22nd, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE